IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1193 OF 2005
IN
SUIT NO.3529 OF 2004

M/s.Bharat Warehousing Co. Plaintiff

versus

M/s.Sunny Construction Co. & ors. Defendants

and

Pramod Arvind Lele & ors. Respondents

Mr.S.S.Shah i/by L.S.Jain for plaintiffs.

Mr.P.G.Lad for defendant no.1.

Ms.Anita Borkar for defendants 4 and 5.

Mr.A.N.Helekar for respondent no.1.

Mr.Dushyant Purekar for respondents 2 and 3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd March 2006

PC :

1. This Chamber Summons is taken out by the original plaintiffs seeking leave to amend the plaint as also Notice of Motion No.3585 of 2004.

2. I am informed by learned counsel appearing on

behalf of plaintiffs, defendants and respondents that the Notice of Motion is already disposed of. Therefore, no question arises of allowing any amendment thereto.

3. As far as amendments to the plaint are concerned, in the affidavit in support, it is pointed out by the plaintiffs that at the hearing of the Notice of motion, they were informed that the immovable properties namely four flats pertaining to which they are claiming relief of specific performance in the suit, have already been placed in possession of respondents and the original defendants are relying upon certain agreements in that behalf. The plaintiffs seek to place these further developments on record and implead the Purchasers (respondents herein) as parties to the suit.

4. From the affidavit in support as well as schedule to the Chamber Summons and all replies thereto, I am satisfied that by merely placing subsequent developments on record, no prejudice will be caused to the parties to this Chamber Summons. Similarly, to avoid further complications and multiplicity of proceedings, the Chamber Summons deserves to be granted. All

that is being done today is to implead the respondents as party defendants and by merely impleading them their objections as well as contentions on the merits of the controversy are not being adjudicated upon at all. All contentions of both sides on merits are expressly kept open. It would also be open for the respondents and newly added defendants to raise appropriate pleas including limitation and even that issue is kept open for being agitated at an appropriate stage.

5. Chamber Summons is allowed in terms of prayer clauses (a) and (b). However, the amendment shall only be carried to the plaint. The amendment to be carried out within a period of four weeks. After serving of the amended plaint, it would be open for the respondents- newly added defendants to file their written statement and eight weeks time is granted for that purpose.

(S.C.DHARMADHIKARI, J.)